

R-10-02

RESOLUTION NO. _____

**A RESOLUTION ESTABLISHING AN ELECTION
PROCEDURE TO FILL THE VACANT POSITION OF
ALDERMAN REPRESENTING THE THIRD WARD; AND FOR
OTHER PURPOSES.**

WHEREAS, Ark. Code Ann. § 14-43-411(b)(1) provides that when a vacancy in the office of alderman occurs in a city of population greater than twenty thousand (20,000) and more than one year remains in the unexpired portion of the term, then at the first regular meeting after the occurrence of the vacancy, the city council shall proceed to either elect by majority vote of the remaining members of the council an alderman to serve for the unexpired term or call for a special election to be held in accordance with Ark. Code Ann. § 7-11-101 to fill the vacancy; and

WHEREAS, on November 20, 2009, Cary Gaines, a duly elected Alderman representing the Third Ward of the City of North Little Rock, Arkansas, tendered his resignation with more than one year remaining in the unexpired portion of his term; and

WHEREAS, on November 23, 2009, at the first regular meeting after the resignation of Alderman Gaines was tendered, the City Council of North Little Rock accepted the resignation and determined *viva voce* to fill the vacancy by majority vote of the remaining members of the council; and

WHEREAS, on December 14, 2009, the City Council approved Resolution No. 7561 which ratified the acceptance of Alderman Gaines' resignation; ratified the decision made by City Council to fill the resulting vacancy by majority vote of the remaining members of the council; and established a filing period for candidates which terminated on December 31, 2009; and

WHEREAS, eleven citizens declared their candidacy during the filing period established by Resolution No. 7561 and City Council must now establish a procedure for conducting the election in accordance with Ark. Code Ann. § 14-43-411(b)(1).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: CANDIDATES RECOGNIZED. That the following persons are recognized as candidates for the vacant position of Alderman representing the Third Ward of the City of North Little Rock, Arkansas (in alphabetical order):

- | | |
|-----------------------|------------------|
| 1. James Ard | 7. John Parker |
| 2. Steve Baxter | 8. James Philips |
| 3. Ronald Harris | 9. Aaron Sarlo |
| 4. Jimmy Henson | 10. Tony Vestal |
| 5. Darrell Montgomery | 11. Bill Yeates |
| 6. Patrick Mulligan | |

SECTION 2: CANDIDATE INTERVIEWS. At ____ p.m. on January ___, 2010, the City Council shall conduct a special meeting for the specific purposes of (1) interviewing the candidates named above and (2) discussing their candidacy. The Council, upon motion and approval, may retire to Executive Session to conduct some or all of these purposes, in accordance with Ark. Code Ann. § 25-19-106(c).

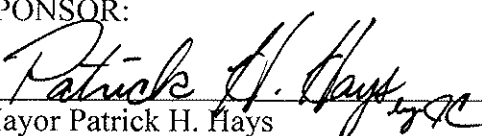
SECTION 3: ELECTION. After candidate interviews are conducted, the Mayor, for purposes of bringing this matter before the Council at the next regularly scheduled meeting of the Council, will sponsor the resolution nominating a candidate named in Section 1 to fill the current vacancy of Alderman representing the Third Ward of the City of North Little Rock, Arkansas. When the nominating resolution is approved by a majority vote of the remaining members of City Council in accordance with the normal procedures governing City Council actions, the candidate so nominated shall be declared the winner and shall, upon taking all necessary and proper steps regarding the same, assume the duties and responsibilities of the office of Alderman representing the Third Ward of the City of North Little Rock, Arkansas.

SECTION 4: SEVERABILITY DECLARED. That the provisions of this resolution are hereby declared to be severable and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 5: That this Resolution shall be in full force and effect from and after its passage and approval.

PASSED:

APPROVED:


SPONSOR:

Mayor Patrick H. Hays

Mayor Patrick H. Hays

ATTEST:

Diane Whitbey, City Clerk

APPROVED AS TO FORM:


C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY

FILED 11:58 A.M. _____ P.M.
BY City Atty Carter
DATE 1-5-10
Diane Whitbey, City Clerk and Collector
North Little Rock, Arkansas
RECEIVED BY 